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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,356	02/08/2001	Michael Wayne Brown	AUS920000949US1	5780
35525	7590	10/29/2004	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/779,356	BROWN ET AL.
	Examiner	Art Unit
	Jan Mooneyham	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2004.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-9,11-13,16-25 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-9,11-13,16-25 and 28-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This is in response to the applicant's communication filed on August 5, 2004, wherein:
  - Claims 1, 4-9, 11-13, 16-25, 28-43 are currently pending;
  - Claims 2-3, 10, 14-15, 26-27 have been cancelled;
  - Claims 1, 9, 13, 21, 22, 25, and 33-34 have been amended;
  - Claims 37-43 are newly added.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

2. The applicant has amended the claim language. Therefore, the rejection under 35 U.S.C. 112, second paragraph, is hereby withdrawn.

#### ***Claim Rejections - 35 USC § 101***

3. The applicant has amended claims 1-3. Therefore, the rejection under 35 U.S.C. 101 is hereby withdrawn.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 9, 13, 21-22, 25, 33-34, 37, 42, and 43 are rejected under 35 U.S.C. 102(a) as being anticipated by New Hampshire Tax Policy Analysis System (hereinafter referred to as NHTP).

Referring to Claims 1, 13, and 25:

NHTP discloses a method in a data processing system, the apparatus and medium for estimating an impact of proposed legislation on a user, comprising:  
obtaining proposed legislation data from a server computing device (page 2 - the system will allow state policymakers and analysts to both accurately and quickly determine the effects of both current and proposed State tax polices on New Hampshire residents);  
calculating, in a client computing device an affect of the proposed legislation based on the proposed on the proposed legislation data (page 3 computational engine that quantifies the impact of tax policy changes, page 6 Tax Policy Logic and Forecasting Engine, tax comparison calculation launcher); and  
outputting, via the client computing device, the affect of the proposed legislation, wherein the proposed legislation data represents proposed changes to a tax code, and wherein calculating an affect of the proposed legislation includes calculating an estimated change in tax liability by: calculating an estimated tax liability based on the proposed legislation data (page 3 User Interface, user interface that allows users to ..... view the results of those comparisons, page 6 System Output); and  
comparing the estimated tax liability to a previous tax liability (page 2 allow users to compare two tax policies and view the results).

Referring to Claims 37, 42, and 43:

NHTP discloses a method in a data processing system, the system and program, for estimating an impact of proposed legislation on a user, comprising:

obtaining, in the data processing system, proposed legislation data (page 2 system the system will allow state policymakers and analysts to both accurately and quickly determine the effects of both current and proposed State tax polices on New Hampshire residents, page 7 system databases);

calculating, in the data processing system, an affect of the proposed legislation based on the obtained proposed legislation data (page 3 computational engine that quantifies the impact of tax policy changes, page 6 Tax Policy Logic and Forecasting Engine, tax comparison calculation launcher, page 7); and

outputting, via the data processing system, the affect of the proposed, legislation, wherein the proposed legislation represents proposed changes affecting a user's financial resources, and wherein calculating an affect includes calculating an estimated change in the financial resources by (page 2 allow users to compare two tax policies and view the results of a tax policy change on tax burden (income), tax burden on individuals and businesses, and individual tax returns):

calculating an estimated amount of financial resources of the user based on the proposed legislation data ((page 3 computational engine that quantifies the impact of tax policy changes, page 6 Tax Policy Logic and Forecasting Engine, tax comparison calculation launcher); and

comparing the estimated amount of financial resources of the user to a previous amount of financial resources of the user determined without the proposed legislation data to thereby generate a financial resources change amount, wherein the financial resources change amount is indicative of the affect of the proposed legislation (page 2 – allow users to compare two tax policies and view the results to tax receipts (income), tax burden on individuals and business, and individual tax returns, page 7 tax comparison reviewer).

Referring to Claims 9, 21, and 33:

NHTP discloses a method, apparatus and program wherein calculating an estimated tax liability based on the proposed legislation data includes:

updating a tax calculation engine based on the proposed legislation data (page 2 system scope, page 7 databases);

obtaining financial data for the user (page 6, Individual, tax comparison results reviewer and system databases, page 7);

and

applying the updated tax calculation engine to the financial data (pages 6 and 7)

Referring to Claims 22 and 34:

NHTP discloses an apparatus and program wherein the proposed legislation data is obtained from a server, and wherein the apparatus is implemented in a client to the server (page 7, System databases).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4-8, 11-12, 16-20, 23-24, 28-32, 35-36, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over NHTP in view of Brookler et al (US 2002/0007303) (hereinafter referred to as Brookler).

Referring to Claims 4, 16, 28 and 38:

NHPT does not disclose a method, apparatus, and program further comprising: generating an electronic mail message based on the affect of the proposed legislation;

transmitting the electronic mail message to one or more remote devices, wherein the electronic mail message indicates one of a user's support or non-support of the proposed legislation, wherein the electronic message is automatically generated

Brookler discloses a system for conducting electronic surveys (the applicant is basically conducting a survey as to the effect of proposed tax legislation) wherein the results and reports may be generated via electronic mail (page 2 [0033]).

It would have been obvious to one of ordinary skill in the art to incorporate into the disclosure of HNTP the teachings of Brookler so as to conduct tax surveys in which the surveyors receive more complete and meaningful survey information.

Referring to Claims 5, 17, 29, and 39:

Brookler discloses a method, apparatus and program wherein the electronic mail message indicates one of a user's support or non-support of the proposed legislation (page 2 [0033] the results and reports of the survey may include one's support or non-support of the proposed legislation). Moreover, the actual message in the email is considered to be non-functional descriptive data and thus carries little patentable weight.

Referring to Claims 6, 18, and 30:

Brookler discloses a method, apparatus and program wherein the electronic mail message is automatically generated (page 2 [0033]).

Referring to Claims 7, 19, 31, and 40:

Brookler discloses a method, apparatus and program wherein the affect of the proposed legislation is automatically inserted into the electronic mail message (page 2 [0033] the results and reports of the survey would include the affect of the proposed legislation). Moreover, the

data contained in the email is considered nonfunctional descriptive data and thus carries little patentable weight.

Referring to Claims 8, 20, and 32:

Brookler discloses a method, apparatus and program wherein the electronic mail message is automatically addressed to the one or more remote devices (page 1 [0014]).

Referring to Claims 11, 23, and 35:

Brookler discloses a method, apparatus and program further comprising downloading one or more addresses for the one or more remote devices (page 1 [0014]).

Referring to Claims 12, 24, and 36:

Brookler discloses a method, apparatus and program wherein the affect of the proposed legislation included in the electronic mail message is accumulated with other affects of the proposed legislation included in other electronic mail messages received by the one or more remote devices (page 1 [0004] [0014} and page 2 [0033]).

Referring to Claim 41:

Bookler discloses a method comprising:  
downloading one or more addresses for the one or more remote devices (page 1 [0004], [0014],  
page 2 [0033]; and  
automatically addressing the electronic mail message to include one or more addresses (page 1 [0014])

Applicant's arguments with respect to claim 1, 4-9, 11-13, 16-25, 28-43 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

State Tax Analysis Modeling Program – discloses a system for comparing the impact of proposed legislation.

STAMP discloses the basic structure of STAMP

Tax cuts: OK for Oklahoma discloses that STAMP is a computer based model designed specifically to determine the economic effects of state tax-law changes.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

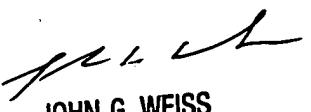
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

  
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